

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes changes to Figs. 5 and 7. These sheets, which include Figs. 5 and 7, replace the original sheets including Figs. 5 and 7. In Fig. 5 has been amended to include the reference numeral 11. The elements of claim 9 have been indicated in Fig. 7.

Attachment: Replacement Sheets (2)

REMARKS

The office action of August 6, 2007, has been carefully considered.

It is noted that the drawings are objected to on various grounds.

The abstract of the disclosure is also objected to on various grounds.

The disclosure is also objected to.

Claims 1, 2 and 7 are objected to for containing various informalities.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1-9 are rejected under 35 U.S.C. 103(a) over the patent to Rohde et al. in view of the patent to Kumade.

Relative to the objections to the drawings, applicant has

submitted herewith two replacement sheets containing Figs. 5 and 7. Fig. 5 has been amended to include reference numeral 11 which indicates the drive mechanisms which are present in the gearbox 15 and drive the driving rolls 12, 12'. The gear motor, slide with rollers and rack and pinion have been indicated in Fig. 7. Now new matter is added by these changes.

In view of these considerations it is respectfully submitted that the objections to the drawings are overcome and should be withdrawn.

In connection with the Examiner's objections to the application, applicant has attached hereto an Abstract of the Disclosure and a Substitute Specification. The substitute specification contains no new matter. Applicant submits that the specification describes the invention in sufficient detail to permit those skilled in the art to understand and practice the invention. The Examiner's attention is directed to the first three pages of the originally filed application. These pages give a good general description of how a shear works. Many of the elements mentioned in the detailed description are self explanatory. For example, the hold-downs serve to hold down the plate on a transport table, and a driver serves to push the plate.

In view of these considerations it is respectfully submitted that the objections to the application are overcome and should be withdrawn.

In view of the Examiner's rejections of the claims, applicant has amended claims 1-9.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to address the instances of indefiniteness pointed out by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claims 1-9 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

Furthermore, it is respectfully submitted that the formalities pointed out by the Examiner have been corrected so that the objection to claims 1, 2 and 7 is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references and particularly to the patent to Rohde et al., it can be seen that this patent discloses a longitudinal shear.

The patent to Kumabe discloses a rolling cut type shear.

The Examiner combined these references in determining that claims 1-9 would be unpatentable over such a combination. Applicant respectfully submits that neither of these references, nor their combination, teach a shear for cutting heavy steel plate to length as in the present invention. Specifically, the combination of references does not teach a construction in which the bearings and the lower driver rolls are arranged between the lateral columns of the shear frame, as in the presently claimed invention.

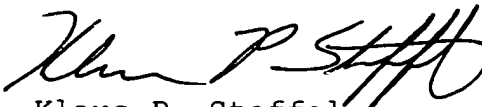
In view of these considerations it is respectfully submitted that the rejection of claims 1-9 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and

should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By 

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on January 7, 2008.

By: 
Klaus P. Stoffel

Date: January 7, 2008